



**U.S. Citizenship  
and Immigration  
Services**

**Non-Precedent Decision of the  
Administrative Appeals Office**

In Re: 32719881

Date: JUL. 23, 2024

Motion on Administrative Appeals Office Decision

Form I-140, Immigrant Petition for Alien Workers (Extraordinary Ability)

The Petitioner, a martial arts instructor, seeks classification as an individual of extraordinary ability. This first preference classification makes immigrant visas available to those who can demonstrate their extraordinary ability through sustained national or international acclaim and whose achievements have been recognized in their field through extensive documentation.

The Director of the Nebraska Service Center denied the petition. We dismissed the Petitioner's appeal. Later, the Petitioner filed eight motions, which we dismissed. The matter is now before us on a ninth combined motion to reopen and motion to reconsider. In these proceedings, it is the Petitioner's burden to establish eligibility for the requested benefit. *See* section 291 of the Act, 8 U.S.C. § 1361.

A motion that does not satisfy the applicable requirements must be dismissed. 8 C.F.R. § 103.5(a)(4). For the following reasons, we are dismissing the Petitioner's combined motions because they do not satisfy the requirements.

The scope of any motion is limited to review of "the prior decision." *See* 8 C.F.R. § 103.5(a)(1)(i). In our most recent decision, the dismissal of the Petitioner's eighth motion to reconsider, we determined that the Petitioner submitted a brief that was almost identical to the brief submitted with his seventh motion. *See Matter of O-S-G-*, 24 I&N Dec. 56, 58 (BIA 2006) (finding that a motion to reconsider is not a process by which the party may submit, in essence, the same brief and seek reconsideration by generally alleging error in the prior decision). We explained that disagreeing with our conclusions without showing how we erred as a matter of law or pointing to policy that contradicts our analysis of the evidence is not a ground to reconsider our decision. *Id.* Therefore, the Petitioner did not show that his eighth motion met the requirements for a motion to reconsider under 8 C.F.R. § 103.5(a)(3).

A motion to reopen affords a petitioner an opportunity to state new relevant facts, which must be supported by documentary evidence. 8 C.F.R. § 103.5(a)(2). On motion to reopen, the Petitioner generally reiterates his eligibility as an individual of extraordinary ability and resubmits evidence offered in support of his previous motions, which we considered in dismissing them. Since the current motion to reopen does not include new facts or new evidence, the motion does not meet the requirements of a motion to reopen and must be dismissed.

A motion to reconsider must establish that our prior decision was 1) based on an incorrect application of law or policy, and 2) incorrect based on the evidence in the record at the time of the decision. 8 C.F.R. § 103.5(a)(3). On motion, the Petitioner again contends that he qualifies as an individual of extraordinary ability. He reiterates identical arguments made in support of his previous motion, while requesting a different outcome. We addressed the Petitioner's prior arguments in our earlier decisions, and his repetition of the same arguments does not show proper cause for reconsideration. *Matter of O-S-G-*, 24 I&N Dec. at 56. The purpose of a motion to reconsider is to show error in the most recent prior decision. This motion to reconsider does not meet this standard and must be dismissed.

**ORDER:** The motion to reopen is dismissed.

**FURTHER ORDER:** The motion to reconsider is dismissed.